

## A FREE MAN.

Wiley Bowers Acquitted on Charge of Murdering Kiel.

THE TRIAL CAME TO SUDDEN END

Late Yesterday Afternoon, There Being no Arguments by

ATTORNEYS FOR EITHER SIDE.

The Jury was out Fifteen Minutes and Then Returned with a Verdict of not Guilty Which was Received with Cheers by the Large Audience. The Verdict was All that Could be Expected After Young Bowers' Break-Down on Tuesday—The Testimony Yesterday Went Farther Toward Establishing an Alibi for the Prisoner.

The Bowers murder trial came to its conclusion yesterday afternoon at 5:20 o'clock, when the jury brought in a verdict of not guilty after having been out sixteen minutes. This was not at all unexpected, after the break-down of George Bowers on Wednesday having shattered the case of the state entirely. Without his evidence the state had nothing to rest on.

A number of witnesses were examined yesterday, and the defense set up an



Wiley Bowers, Who Was Acquitted Yesterday. (After a Photograph by the Intelligencer.)

alibi which the state was unable to upset in its rebuttal testimony, although some of the witnesses were handled severely on cross-examination by Messrs. Sommerville and Meyer.

The scene in the court room when the jury's verdict was announced was remarkable, the audience cheering wildly and enthusiastically when Clerk Henning had finished reading the verdict and Judge Huges had pronounced the sentence, "Bowers, you're discharged."

THE MORNING SESSION.

Witnesses for the Defense Contribute to the Alibi Contention.

When court convened yesterday morning, the first witness examined was Charles Stein. He remembered that Bowers was at Michael Stein's that morning fixing a drum to be used in the Mother Hubbard procession. General Manager John Crow, of the Intelligencer, testified that his paper had published accounts of the Mother Hubbard's procession and of the finding of Kiel's body on the Stackyard Hollow road.

Miss Jessie Stein testified to having



George Bowers, The Confessed Perjuror. (After a Photograph by the Intelligencer.)

seen Wiley Bowers about her home on the morning of November 2.

The deposition of Daniel Meyer was read. He deposed that Wiley Bowers was at the Stein place on the morning of the murder and until noon.

DANIEL WALTERS.

The deposition of David Walters was read by Attorney Schuck. He was ten years old and lived at 70 Sixteenth street. He went to Fulton on the day of the murder, going to Michael Stein's, getting there at 11 a. m. He fixed this time by the hour he left home, about 9:45. At Stein's he saw Wiley Bowers, and Mrs. Stein was scrubbing the pavement. He first saw Mrs. Bowers in the afternoon. Wiley was standing by the fire in the back room of the saloon. He did not see him working at a bass drum. He took dinner at his aunt's and then saw Bowers again at Stein's at 1 o'clock. Then he and Bowers went down to the paper mill to get some rope. Then they went back to Stein's and made paper wigs for use in the "Mother Hubbard" parade that evening, the night before election, November 2, 1896.

MRS. MICHAEL STEIN.

Mrs. Michael Stein lives in Fulton, across from Hoffmann's grocery; her husband keeps a saloon. She saw Wiley Bowers on November 2, 1896, in her house. She first heard him up stairs; first saw him about 11 o'clock, up on the porch, working on a drum. She saw him then for about two hours, from 11 a. m. to 1 p. m. She fixed the day by the "Mother Hubbard" parade. She heard of the death of Kiel about 2 o'clock. He took dinner at her house and returned to work on the drum. There were lots of people at her house that day. Daniel Meyer was one, her own family, Mrs. Happy, her daughters Gussie and Annie. Her son and "Cooney" were there. Mrs. Miller was there, too. Charley Stein was there, also. These names were brought out on suggestive questions by Mr. Schuck.

On cross-examination by Mr. Sommerville, she said she first saw Bowers at 11 a. m. on the porch, fixing a drum; Charley Stein and Mrs. Happy were with Bowers. Wiley was working on the drum when Dan Meyer was there. She noticed Kiel passing out home rather late that day, and later heard of his death. When Kiel passed out, Wiley Bowers was at work on the drum on the porch in the rear of the saloon. The account of the murder was published in the evening

paper that day; later she qualified her statement and said she was not certain. After seeing Wiley Bowers at 11 o'clock she stayed in the bar-room, but she "could not watch customers from year to year." She could not remember all who ate dinner with her that day. She had the meal at 12:30 o'clock. Wiley Bowers had had his dinner before this. She did not see Wiley Bowers eat his dinner. Her daughters were at dinner when she ate her dinner.

"Who waited on you?"

"Oh, I just waited on myself."

There was a warm interchange between Mr. Sommerville and the witness. She had told Mr. Schuck she could see Wiley all the time. To Mr. Sommerville she admitted she had not seen him all the time, but she was not sure she had made that statement to Mr. Schuck. She saw Wiley several times between 11 a. m. and 1 p. m. She did not know what time he came to the house. She saw Wiley Bowers and her sons, Richard and "Cooney" on the porch together.

"When did you make up your mind Wiley was at your house that day?"

asked by Mr. Sommerville.

The witness was a little mixed up and could not at first give answer, but later said:

"I made up my mind the evening of the day he was arrested."

When she heard of Bowers' arrest she did not at first remember the incidents of the day of the murder. She talked with her neighbors, but denied it was a conversation with neighbors that caused her to remember. She admitted she remembered after this conversation and not before.

"Did you say when Bowers was arrested that you didn't know where he was that day?"

"No sir."

She had no conversation with Lewis Kraft about the murder and Bowers' connection with it. Couldn't remember telling Mr. Kraft that she could not remember where Bowers was on the morning of the murder.

B. F. DUNLAP.

B. F. Dunlap lived on North Coal street North Wheeling. He remembered the 23 of November, the day before the election, last year. He thought he remembered the night of the "Mother Hubbard" parade. He was out gunning that day, with a boy named Hastings. He carried a repeating rifle, 32-calibre. The boy had no gun. He thought he had on a slouch hat; the boy's suit he could not remember. He described his route going hunting in Stackyard Hollow. He went up Mt. Wood road, past Nichols' house, into the hollow. He crossed the hollow to back of Kiel's. He had his gun filled with sixteen charges. He first shot, this side of Nichols' house, was at a "giggle" chicken. He knocked the fall off. That was the only shot he fired that day. This shot was fired at about 12:35 p. m., about a "square" the other side of Stackyard Hollow—250 yards in other words. He did not shoot in the direction of the hollow. He returned to town via Nichols', going over his former route. He crossed the road about 100 yards "down the road" from where Kiel was killed—between Kiel's gate and the place where the body was found. He had not seen others gunning there that week. Hunters do go out hunting there. When he returned to town he had fifteen loaded shells and one empty shell. When he got home it was about 12:50 o'clock.

"What was the distance from on the hill back of Ernest Stein's place in Fulton to where Kiel was killed?"

About 400 yards.

"Up hill and down?"

"Straight across."

"How much time to walk it at an ordinary gait and hunt?"

"About half an hour."

"About an hour to go out and come back?"

"Yes."

Coming back from Stackyard Hollow he heard a shot fired in the hollow, about 12:30 o'clock, near where Kiel was killed.

After the shot was fired from below the road he saw the smoke from the gun and saw a man running away. He believed it was a rifle shot. It could not have been a revolver shot he heard.

Court adjourned until 2 p. m., at 12:15 o'clock.

NEARING THE CLOSE

Defense Closes and Evidence in Rebuttal is Introduced.

At the afternoon session the examination of the witness, Dunlap, was resumed. The attendance was large.

Witness said he was out at Stackyard Hollow the day Kiel was killed. The person who accompanied him on his hunting trip was Frank Hastings, who lived above Seventh street. He was hunting on the ground east of Kiel's house—or as he put it "that" side of the house. He didn't know where the east is. "South," he guessed, "is down that way." (Laughter.) After some coaching by Mr. Sommerville he guessed he crossed the hollow north of Kiel's house. He shot the chicken between Kiel's house and the river about—

"You didn't kill Henry Kiel, did you?"

"No, what I want to shoot Henry Kiel for?"

"You didn't come down to the motor tracks at Woodside and down the road to Steenrod's bridge and to Fulton?"

"No sir, I came back to town on the same route as I went out, by Mt. Wood."

The witness then described his route to Wheeling in detail, which showed he and his companion could not have been the young man and boy seen at two points by Mrs. Clatterback and Mrs. Johnson. He passed through a field below the Kiel house, he did not traverse the private road to the Kiel place. Crossing the hollow he went past Nichols' place and over Mt. Wood to North Wheeling. He passed within "four squares" of the place where Kiel was killed. He could see the point where he was killed. He saw the stranger, already referred to by the witness, just after the shot was fired. He saw the man just where Kiel was killed—that is not the place in the road. He knew this by having been taken out there by the sheriff, who was making an investigation. The stranger was running down the hill when last seen by the witness. He saw him for about two minutes and then he was near the bottom of the run. He had a gun in his hands.

He told Sheriff Franzheim about this matter soon after the murder. Witness was asked if he hadn't denied seeing a stranger with a gun. This statement was denied, and gave the witness to the conversation; his father, "Wally" Lukens and others. He heard the shot about 12:30 p. m.

"Then you went home in fifteen or twenty minutes?"

"First I shot the 'giggle'."

"How far was it?"

"About half a mile."

To Mr. Dryden, witness said he noticed a side-hollow near where he hunted, and saw a house down that hollow. He didn't know where Mrs. Clatterback lived. Witness was called to the map and pointed out where he was and where the stranger fired. The latter point was on the lower side of the hollow road just where Kiel was shot. When he pressed through the corn field near Kiel's place he saw a straw stack, passing it about five or ten yards away. He passed it going out and coming in. He crossed the hollow both times between the place where Kiel was killed and the gate.

To Mr. Sommerville, witness said he had not passed Mrs. Clatterback's house.

Judge Huges here took the witness and asked a number of questions relative to the witness' story of having seen a man shoot near where Kiel was killed.

"Was it daylight when you went out the Hollow?" asked the Judge.

"No, it was just about daylight."

"Did you see Kiel?"

"No. Nearly every other day I met him."

"Coming home where did you cross?"

"I crossed outside of the gate."

"When you heard the shot were there a wagon, cow or horse in sight?"

"You said you saw the smoke?"

"Yes, after the crack from the gun."

"You turned around and saw a man?"

"Yes, he was running down the run."

"Toward the national road?"

"No sir, down into the run, to the bottom."

To Mr. Sommerville:

"Did you see no wagon?"

"No sir."

"Could you see the road?"

"I could see it above the place where he was killed."

"Any houses in sight?"

"Yes, there's a log house down near the bottom of the run on the other side."

The witness then testified the house was above where he saw the smoke from the shot.

"How far above?"

"I don't know just how far; I didn't take a tape-line and measure it."

"About how far?"

"About twenty-five yards."

"How far above did you cross the run?"

"About seventy-five yards."

"Then you were one hundred yards away from the man who fired the shot?"

"Yes, sir."

Judge Huges—"Could you see the house when the shot was fired?"

"Yes."

Then the witness was excused.

HENRY ROTH.

Henry Roth was next called. He was examined by Mr. Dryden. Witness is at present mayor of Fulton. Had lived there all his life. He knew Henry Stein, the Stein shop, and located Marshall hill, Stackyard Hollow and the place where Kiel was killed. He saw the latter place this morning, first. He had walked over the hill, from the shop, this morning, from the Stein shop to the place where Kiel was killed. Henry Stein was with him. They took the nearest route, and walked as fast as witness cared to walk. It took half an hour to reach the point where Kiel was killed. They stopped three to five minutes and came back the same way. It took thirty-two minutes to get back, and one hour and seven or eight minutes to make the round trip.

The cross-examination by Mr. Sommerville was very brief.

HENRY STEIN.

Henry Stein was next called. His evidence was about the same as the foregoing. There was no cross-examination.

The defendant and his counsel then retired for consultation. At the end of the conference Isaac Bogard was called. Witness was reported not present.

The defense then rested.

EVIDENCE IN REBUTTAL.

The state announced it would have some evidence in rebuttal, and after a consultation recalled A. A. Franzheim.

He could not be found in the building, and a considerable delay resulted.

H. C. Ogden, publisher of the Evening News, was next called for the state, and was examined by Mr. Meyer.

After stating his business, and the time his newspaper came out, witness said his paper did not print an account of the killing of Henry Kiel on the day the crime was committed. (Mrs. Michael Stein had said she first heard of the murder through reading of it in the News the same day.)

The cross-examination was by Mr. Dryden. Witness thought there were but the two regular city editions published on that day, the last about 4:30 p. m., but witness had made no special examination of the files for that purpose.

If there had been a third edition, it would probably be later than the last regular edition. The news of the death of Henry Kiel did not reach witness until the next morning. It was not published in the News of November 2, 1896.

DAVID CAMPBELL.

David Campbell was next called. He knew Mrs. Miller, Minnie Stein and Isaac Bogard. Witness took part in a conversation, in Fulton, with the people named, near the Bogard saloon, about the next day after the arrest of defendant. Mrs. Miller was looking out of her window, over the saloon, Mr. Bogard and witness were in front of the saloon, and Minnie Stein came up. Isaac Bogard began the conversation, saying to witness that the defendant was in bad shape, and witness said: "I don't know. He may prove he was somewhere else." Mrs. Miller said she "could not be qualified" where Wiley Bowers was on the morning of the shooting.

The cross-examination was by Mr. Dryden. Witness was a coal miner, and worked on the day named, quitting at 5 o'clock. On the 24 of November, 1896, witness was at Greggville. On the day Bowers was arrested, witness was boarding in Fulton, about one hundred yards above Bogard's saloon. He was not working that day, but could not remember what day it was—it was just after Bowers' arrest. Bogard about witness and made the remark about Bowers being "in bad shape," and other remarks followed. Witness and Mr. Dryden got into quite a snarl over the question:

"If you told Senator Sommerville this

language was used, and that afterwards Minnie Stein came up, was it true?"

The question was asked at least fifteen times, and finally witness said Minnie Stein came up after Bogard and Mrs. Miller and witness had talked.

Minnie Stein made the remark after Mrs. Miller said "she could not qualify" where defendant was on the forenoon, and Minnie Stein said she could not testify as to where she was. Minnie Stein was at Mrs. Miller's door, and the men were at Bogard's store. Witness never had anything against Mrs. Miller. He had known her for a long time. Witness and Mr. M. Stein and the Stein boys had always been on good terms, and witness knew of nothing to the contrary. He had worked against defendant, and did not "leg in here from Fulton through the mud" to convict defendant. Witness didn't remember when he first recalled the conversation he had heard and taken part in, after Bowers' arrest. He had thought over it since the trial started, and was able to repeat the words used.

The cross-examination was drawn out to great length.

A. A. FRANZHEIM.

Mr. Franzheim was then recalled by the state, and was asked by Mr. Sommerville as to his having been out at the scene of the tragedy with B. F. Dunlap. It was two or three weeks after the shooting—on November 15, 1896. Dunlap's father, W. B. Lukens and a young man named Hastings were along. Witness talked to Dunlap about the matter, but witness did not recall that Dunlap saw or heard a shot fired or saw the smoke from a shot, but Dunlap did say he saw a man run down the hill.

To Mr. Schuck witness said the man was supposed to have run down the hill towards the run. Something might have been said about a shot or smoke, and witness have forgotten it.

To Mr. Sommerville witness told of the visit to the locality with the boys.

Frank Hastings, Dunlap's companion, was sent for by the state, but could not be found. The state then rested, and defense did the same, at 4:17 p. m.

THE VERDICT "NOT GUILTY."

Jury Came in After Being out Fifteen Minutes—Much Enthusiasm.

At the conclusion of the evidence, instructions were read to the jury on behalf of the defense, by Mr. Dryden, after a wait of fifteen or twenty minutes after the testimony had closed. Relative to the alibi it was said the evidence on that line was proper, and if the jury doubted the defendant was at the scene of the murder, a verdict of not guilty must be given. It was not necessary to prove this beyond reasonable doubt.

For the state, instructions were read by Prosecuting Attorney Meyer.

At 5 o'clock the instructions were handed to the foreman of the jury and they all retired to the jury room, across the hall from the court room.

While the jury was out, the crowd remained in the court room very much on the anxious seat—more so than the prisoner, who seemed as unconcerned as ever, and sat quietly between his attorneys, Messrs. Schuck and Dryden. At 5:15 o'clock there was a rush into the already crowded court room from the outside and the word was passed around that the jury was leaving its room.

At 5:17 Judge Huges, Sheriff Richards and the jury entered the court room, and, a minute later, the assembly was so quiet that a pin's fall could be heard, almost.

"Gentlemen of the jury, have you agreed upon a verdict?" said Clerk Henning.

"We have," replied Foreman E. C. Harry.

"What is it?"

"We, the jurors, in the case of the state vs. Wiley W. Bowers, find, from the evidence in the case, that the defendant is not guilty as charged in the within indictment."

"So say you all, gentlemen?" interposed Mr. Henning.

A general nod was the response.

"Gentlemen of the jury," said Judge Huges, "you are discharged until December 22. Bowers, you are discharged."

As the last sentence fell from the court's lips, the audience burst into enthusiastic cheers which were repeated. It was a remarkable scene and testified to the fact that the crowd had made up its mind that Bowers was not guilty.

Many came into the enclosure and congratulated Bowers, who first shook the hands of the members of the jury. He was not surprised and said he was innocent and expected nothing but a verdict of acquittal.

Circuit Court.

In Part II of the circuit court, Judge Hervey, in the case of John B. Finley vs. Wheeling & Elm Grove Railway Company, testimony was in progress yesterday morning. The arguments were made in the afternoon.

CHEAPEST Holly in the city at Huscroft Bros., 1406 Market street.

THE RIVER.

YESTERDAY'S DEPARTURES.

Pittsburgh, H. K. BEDFORD, 6:20 a. m.

Cincinnati, QUEEN CITY, 9 a. m.

Parkersburg, AIGAND, 11 a. m.

Matamoras, LEXINGTON, 11 a. m.

Staten Island, RUTH, 3:30 p. m.

Lairdsville, LEROY, 3:30 p. m.

Staten Island, T. M. BAYNE, 2:30 p. m.

Pittsburgh, LORENA, 2 a. m.

BOATS LEAVING TO-DAY.

Pittsburgh, VIRGINIA, 3 a. m.

Parkersburg, BEN HUR, 11 a. m.

Staten Island, RUTH, 3:30 p. m.

Cincinnati, LEROY, 3:30 p. m.

Staten Island, T. M. BAYNE, 2:30 p. m.

BOATS LEAVING TO-MORROW.

Charleston, H. K. BEDFORD, 6:20 a. m.

Parkersburg, AIGAND, 11 a. m.

Matamoras, LEXINGTON, 11 a. m.

Staten Island, RUTH, 3:30 p. m.

Lairdsville, LEROY, 3:30 p. m.

Staten Island, T. M. BAYNE, 2:30 p. m.

River Telegrams.

OIL CITY—River 2 feet 7 inches and stationary. Cloudy and warm.

WARREN—River 2 feet. Weather clear and warmer.

GREENSBORO—River 6 feet 8 inches and falling. Weather, fair and warmer.

James G. Blaine down Friday; Adam Jacobs and Florence Belle up.

MOGANTOWN—River 8 feet 5 inches and falling. Weather clear and warm.

BROWNVILLE—River 6 feet 4 inches and falling. Weather fair.

PITTSBURGH—River 7.6 feet and falling at the dam. Clear and pleasant.

STUBENVILLE—River 9 feet 6 inches and falling. Weather clear and cool. Passed down—Hawk, Dick Fulton, Mount Clare, Belle McGowan, Queen City. Passed up—Catherine Davis, George Shiras, Lorena and Volunteer.

POINT PLEASANT—River 14.6 feet and rising. Cloudy.

CINCINNATI—River 15.4 feet and rising. Clear.

CAIRO—River 8.6 feet and rising. Cloudy and warm.

LOUISVILLE—River falling; 7 feet in canal; 4 feet 1 inch on the falls; 12 feet 7 inches below locks. Clear and warm.

EVANSVILLE—River 12.3 feet and falling. Cloudy and cool.

MEMPHIS—River 3.5 feet and falling. Cloudy and pleasant.

CARTEER'S Little River Pills, regular price, 25c, our price, 13c; Chase's nerve and blood food, regular price 50c, our price 40c. Cut Rate Patent Medicine Co., 1139 Market Street.

O. C. GENTHER is the man for Watches.

## WASHINGTON WAS KILLED!

Some Unpublished Facts About His Last Illness and the Lesson They Convey to Men and Women of the Present Day.



It is not generally known that General Washington was killed in a most cruel and barbarous manner, but it is, nevertheless, a fact.